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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,195	06/17/2000	JASON R. WILCOX	1018.084US1	1771

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MICROSOFT CORPORATION  
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BELLEVUE, WA 98004

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/596,195

Applicant(s)

WILCOX ET AL.

Examiner

Arthur Duran

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-17 have been examined.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 8 and 13 are rejected under 35 U.S.C. 102(e) as being unpatentable over Brown (6,026,368).

Claims 8 and 13: Brown discloses a method for providing content and advertising information to a targeted set of viewers. Brown further discloses that content locations (websites) and site hosts can be targeted for the content (col 3, lines 45-62 and col 23, lines 18-26). Brown further discloses constructing sub item slot groups, each sub group having item slots, each item slot initially unfilled and able to be filled by an item (col 9, lines 15-52),

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constructing item slot groups, each group having at least one sub item slot group and having item slots equal to a total number of item slots of the at least one sub item slot group the group encompasses, each item slot initially unfilled and able to be filled by an item (col 9, lines 15-52), constructing meta item slot groups, each meta group having at least one item slot group and having item slots equal to a total number of item slots of the at least one item slot group the meta group encompasses, each item slot initially unfilled and able to be filled by an item (col 9, lines 15-52), allocating items of a first type over the item slots of the meta item slot groups that are unfilled by matching characteristics of the item to characteristics of the meta item slot group, such that allocating an item to an item slot fills the item slot with the item (col 10, lines 24-40), allocating items of a second type over the item slots of the meta item slot groups that are unfilled, the item slots of the item slot groups that are unfilled, and the item slots of the sub item slot groups that are unfilled, by matching characteristics of the items to characteristics of the sub item slot groups, such that allocating an item to an item slot fills the item slot with the item (col 10, lines 24-40), and allocating items of the first type over the item slots of the item slot groups that are unfilled and the item slots of the sub item slot groups that are unfilled, such that allocating an item to an item slot fills the item slot with the item (col 10, lines 24-40).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-7, 9-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (6,026,368) in view of Hoyle (6,141,010).

Claim 1: Brown discloses a method for providing content and advertising information to a targeted set of viewers. Brown further discloses that content locations (websites) and site hosts can be targeted for the content (col 3, lines 45-62 and col 23, lines 18-26). Brown further discloses constructing item slot groups, each group having item slots, each item slot initially unfilled and able to be filled by an item (col 9, lines 15-52), allocating items of a first type over the item slots of the item slot groups that are unfilled by matching characteristics of the item to characteristics of the item slot group, such that allocating an item to an item slot fills the item slot with the item (col 10, lines 24-40), allocating items of a second type over the item slots of the item slot groups that are unfilled, by matching characteristics of the items to characteristics of the item slot groups, such that allocating an item to an item slot fills the item slot with the item (col 10, lines 24-40). Brown further discloses displaying the items that are available for a group (col 10, lines 35-40). Brown does not explicitly state that the information is displayed in bar graph format. However, Hoyle discloses a method for targeted advertising. Hoyle further discloses utilizing complex graphical displays to display the status of banner advertisements (col 3, lines 44-48; Fig. 5a). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Hoyle's complex graphical displays of item availability to Brown's advertisement management method. One would have been motivated to do this because Brown discloses displaying the items available and Hoyle's complex graphical displays for item availability display is an obvious way of doing this.

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Claims 2, 10, and 15: Brown and Hoyle disclose a method as in claims 1, 8, and 13.

Brown further discloses that each item comprises an ad and each item slot group comprises a web site, such that each item slot corresponds to an advertising space (col 4, lines 7-10; col 23, lines 18-24; col 17, lines 21-24).

Claims 3, 11, and 16: Brown and Hoyle disclose a method as in claims 2, 10, and 15.

Brown further discloses that the first type of items comprises member ads, and the second type comprises sponsor ads (col 5, lines 63-67).

Claims 4, 12, and 17: Brown and Hoyle disclose a method as in claims 1, 8, and 13.

Brown further discloses a fill quota and filling the slots with a number of items equal to the quota (col 25, line 63-col 26, line 19 and col 9, lines 15-52).

Claim 5: Brown and Hoyle disclose a method as in claim 4. Brown further discloses filling the items of the first type with the number of item slots of the item slot groups that are unfilled with the item equal to the quota proportionally as to the item slots unfilled of the item slot groups having characteristics matching the characteristics of the item (col 25, line 63-col 26, line 19; col 9, lines 15-52; and col 10, lines 24-40).

Claim 6: Brown and Hoyle disclose a method as in claim 1. Brown further discloses that the second type has a quota, wherein allocating each of the items of the second type comprises filling the items of the slot groups that are unfilled with the items equal to the quota (col 25, line 63-col 26, line 19; col 9, lines 15-52; and col 10, lines 24-40).

Claim 7: Brown and Hoyle disclose a method as in claim 6. Brown further discloses filling the items of the second type with the number of item slots of the item slot groups that are unfilled with the item equal to the quota proportionally as to the item slots unfilled of the item

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slot groups having characteristics matching the characteristics of the item (col 25, line 63-col 26, line 19; col 9, lines 15-52; and col 10, lines 24-40).

Claims 9 and 14: Brown and Hoyle disclose a method as in claims 8 and 13. Brown further discloses displaying the items that are available for a group (col 10, lines 35-40). Brown does not explicitly state that the information is displayed in bar graph format. However, Hoyle discloses a method for targeted advertising. Hoyle further discloses utilizing complex graphical displays to display the status of banner advertisements (col 3, lines 44-48; Fig. 5a). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Hoyle's complex graphical displays of item availability to Brown's advertisement management method. One would have been motivated to do this because Brown discloses displaying the items available and Hoyle's complex graphical displays for item availability display is an obvious way of doing this.

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Roth discloses an Internet advertising system;
- b. Kurtzman discloses efficiently selecting and providing information; and
- c. Alberts discloses a banner advertising display system with frequency of advertising control.

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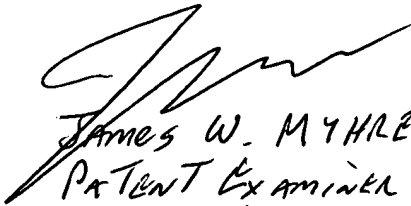
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

Ad

October 28, 2002

  
James W. MYHRE  
PATENT EXAMINER  
ART UNIT 3622